

Handwritten initials: ZWBAC

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Small Entity)				Docket No. 50243-00002	
In Re Application Of: LIPS					
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/648,932	August 27, 2003	PARSLEY, David	25231	3643	4106

Invention:

COMBINED CONTROLLER FOR HORTICULTURAL WATERING SYSTEM

Attention: Office of Petitions
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: Response to Restriction Requirement

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

3. ☒ Applicant claims small entity status. See 37 CFR 1.27

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

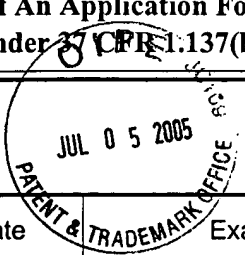
07/07/2005 WABDELRI 00000011 10648932 750.00 DP
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**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
50243-00002

In Re Application Of:

LIPS



Application No.
10/648,932

Filing Date
August 27, 2003

Examiner
PARSLEY, David

Customer No.
25231

Group Art Unit
3643

Confirmation No.
4106

Invention:

COMBINED CONTROLLER FOR HORTICULTURAL WATERING SYSTEM

Calculation and Payment of Fees

Enclosed are the following fees:

7. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$750.00
8. ☐ Fee for amendment in the amount of: _____
9. ☐ Fee for extension of time to reply to Office Action in the amount of: _____
10. ☐ Issue fee in the amount of: _____
11. ☐ Continuing application filing fee in the amount of: _____
12. ☐ Terminal disclaimer fee in the amount of: _____
13. ☐ _____

Total fees enclosed: \$750.00

The fee of **\$750** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **50-1419**
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
50243-00002

In Re Application Of:

LIPS



Application No.

10/648,932

Filing Date

August 27, 2003

Examiner

PARSLEY, David

Customer No.

25231

Group Art Unit

3643

Confirmation No.

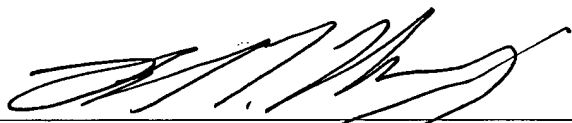
4106

Invention:

COMBINED CONTROLLER FOR HORTICULTURAL WATERING SYSTEM

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.


Signature

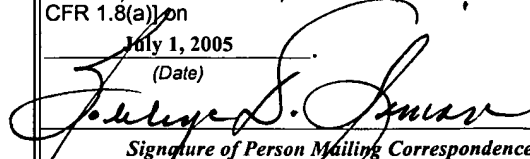
Dated: July 1, 2005

Russell T. Manning
Registration No. 51,260
MARSH FISCHMANN & BREYFOGLE LLP
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
(720)562-5502

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

July 1, 2005

(Date)



Signature of Person Mailing Correspondence

Bobbye D. Simon

Typed or Printed Name of Person Mailing Correspondence

cc:



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

LIPS

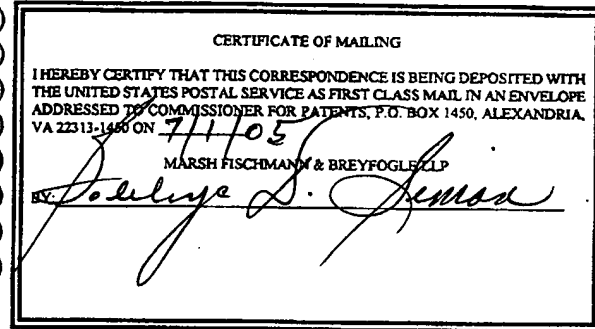
Application No.: 10/648,932

Filed: August 27, 2003

Confirmation No.: 4106

For: "COMBINED CONTROLLER FOR
HORTICULTURAL WATERING SYSTEM"

PETITION TO REVIVE APPLICATION
ABANDONED FOR UNINTENTIONAL
DELAY IN PROSECUTION
UNDER 37 C.F.R. §1.137(b)



MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Thomas P. Fouch, am a corporate officer of FERTIGATION TECHNOLOGIES, INC., having a place of business at 2410 HWY 94 South Outer Road Suite G, St. Charles, Missouri 63303. Fertigation Technologies became the assignee of the entire right title and interest of the above-identified patent application on December 16, 2003. Chain of ownership for the application is set forth:

- Assigned from inventor Jon Lips to Fertigator, Inc.; executed 8/13/2003; recorded 8/27/2003 and being identified as Reel/Frame 014447/0207;
- Assigned from Inventor Edwin Lips to Fertigator, Inc; executed 8/15/2003; recorded 8/27/03 and being identified as Reel/Frame 014447/0216;
- Assigned from Fertigator Inc. to Fertigation Technologies Inc.; executed 12/16/2003; recorded 6/28/2005 and being identified as Reel/Frame 016195/0195.

Accordingly, Assignee, Fertigation Technologies, is authorized to prosecute the above-identified application as set forth in 37 C.F.R. 3.73. Furthermore, as a corporate officer of Fertigation Technologies, Inc., I am authorized to submit this document on behalf of the Assignee.

Assignee submits this Petition To Revive Abandoned Application For Unintentional Delay in Prosecution Under 37 C.F.R. §1.137(b) to revive the above-identified U.S. Patent Application. Further, Assignee submits that the entire delay from the due date, April 1, 2005, for the reply to the outstanding office action to the filing of this petition was unintentional. Enclosed, please find a reply to the outstanding office action and a check in the amount of \$750.00 for the petition fee as set forth in §1.17(m).

Respectfully submitted,

By: Thomas P. Fouch

Thomas P. Fouch

Vice President

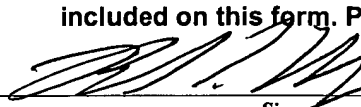
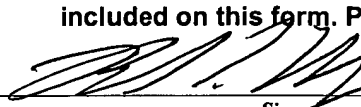
Fertigation Technologies, Inc.

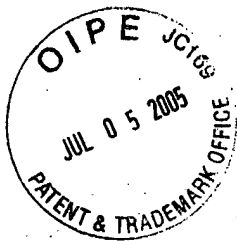
2410 HWY 94 South Outer Road Suite G

St. Charles, Missouri 63303

(636) 447-1436

Date: 7/1/05

<div style="position: relative; height: 40px;"> <div style="position: absolute; top: -40px; left: 50px; transform: rotate(-45deg); font-weight: bold;">OIP&E</div> <div style="position: absolute; top: -20px; left: 20px; transform: rotate(-45deg); font-weight: bold;">JUL 05 2005</div> <div style="position: absolute; top: 0; left: 0; transform: rotate(-45deg); font-weight: bold;">PATENT & TRADEMARK OFFICE</div> </div> AMENDMENT TRANSMITTAL LETTER (Small Entity) Applicant(s): LIPS				Docket No. 50243-00002	
Application No. 10/648,932	Filing Date August 27, 2003	Examiner PARSLEY, David	Customer No. 25231	Group Art Unit 3643	Confirmation No. 4106
Invention: <p style="text-align: center;">COMBINED CONTROLLER FOR HORTICULTURAL WATERING SYSTEM</p>					
<u>COMMISSIONER FOR PATENTS:</u> Transmitted herewith is an amendment in the above-identified application. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	12 -	20 =	0	x \$25.00	\$0.00
INDEP. CLAIMS	3 -	3 =	0	x \$100.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1419 <input type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
 _____ <i>Signature</i> Russell T. Manning Registration No. 51,260 MARSH FISCHMANN & BREYFOGLE LLP 3151 South Vaughn Way, Suite 411 Aurora, Colorado 80014 (720)562-5502			Dated: July 1, 2005 <div style="border: 1px solid black; padding: 5px;"> I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on July 1, 2005 _____ (Date)  _____ <i>Signature of Person Mailing Correspondence</i> Bobbye D. Simon _____ <i>Typed or Printed Name of Person Mailing Correspondence</i> </div>		
CC:					



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

LIPS

Serial No.: 10/648,932

Filed: August 27, 2003

Confirmation No.: 4106

Atty. File No.: 50243-00002

For: "COMBINED CONTROLLER FOR
HORTICULTURAL WATERING SYSTEM"

) Group Art Unit: 3643

) Examiner: PARSLEY, DAVID

) RESPONSE TO RESTRICTION
) REQUIREMENT

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22312-1450 ON <u>July 1, 2005</u>.</p> <p style="text-align: center;">MARSH FISCHMANN & BREYFOGLE LLP</p> <p>BY <u>Bobby Simon</u> Bobby Simon</p>
--

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:


In an Office Action dated October 10, 2004, the Examiner issued a Restriction Requirement with regard to the above-identified patent application. Generally, the Examiner indicated that Claims 1-12, Claims 13-20 and Claims 21-26 were distinct inventions. Applicants hereby elect to prosecute Claims 1-12 (categorized as Group I by the Examiner) in this patent application. However, Applicants respectfully reserve the right to pursue Claims 13-26 in subsequent divisional/continuation applications.

A "Petition To Revive Abandoned Application For Unintentional Delay in Prosecution Under 37 C.F.R. §1.137(b)" was filed on even date herewith. Accordingly, the Applicant believes that no

additional fees are due for filing this Response to Restriction Requirement, however, if additional fees are deemed due, please charge any such fees to Deposit Account No. 50-1419.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

Russell T. Manning
Registration No. 51,260
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
(303) 338-0997

Date: July 1, 2005